IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2736 OF 2005

M/s.Welport Trading Company Pvt.Ltd., ..Petitioners

V/s.

M/s.Shilpa Filaments Pvt.Ltd. & Ors. ..Respondents

Mr.P.S.Dani for the petitioners.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This petition impugns an order passed by the Metropolitan Magistrate, 28th Court Esplanade, Mumbai, wherein the original accused has been convicted under Section 138 of N.I. Act. The grievance made is sentence is in-adequate. In my view, a proper remedy will be to file revision in the Sessions Court. Normally speaking, constitutional jurisdiction under Article 227 ought not to be exercised when there is a statutory remedy available. Besides, if accused wants to file appeal, his appeal/revision lies to the Sessions Court. In the circumstances, reserving the right to file a revision in the Sessions Court, present Writ petition is disposed of.

(R.S.Mohite,J)